

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

COMMIL USA, LLC,

Plaintiff,

v.

CISCO SYSTEMS, INC.,

Defendant.

Case No. 2:07-cv-341-DF

NOTICE OF APPEAL

CISCO SYSTEMS, INC.'S NOTICE OF APPEAL

Defendant Cisco Systems, Inc. ("Cisco") hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Judgment entered by the district court in this case on May 20, 2011 (Docket No. 439);¹ from the Amended Final Judgment entered by the district court in this case on September 28, 2011 (Docket No. 480); from the September 28, 2011 Order Denying Cisco's Renewed Motions for Judgment as a Matter of Law, for New Trial, and/or for Remittitur (Docket No. 481); and from any and all other orders, rulings, findings, and/or conclusions of any kind whatsoever decided adversely to Cisco, in whole or in part, at any time, including, but not limited to, the following: the November 6, 2009 Order (Docket No. 193) (Order Regarding Claim Construction); the April 6, 2010 Order (Docket No. 236) (Order Granting in Part and Denying in Part Cisco's Motion to Compel); the May 10, 2010 Orders (Docket Nos. 307, 308, 309, and 310) (Orders Regarding Objections to Exhibits and Deposition Designations); the May 11, 2010 Orders (Docket Nos. 317, Order Sustaining Commil Objections to Exhibits, and 318, Order Denying Cisco's Motion for Summary Judgment); the December 29, 2010 Memorandum Opinion and Order (Docket No. 361) (Order Granting Commil's Motion for

¹ The parties consented to proceed before Magistrate Judge Charles Everingham for all proceedings.

a Partial New Trial); the February 23, 2011 Memorandum Opinion and Order (Docket No. 373) (Order Denying Cisco's Motion for Reconsideration of Partial New Trial Order); the February 25, 2011 Orders (Docket No. 375, Order Denying Motion to Modify Pretrial Deadlines and Trial Date, and 376, Order Granting in Part and Denying in Part Cisco's Motions for Judgment as a Matter of Law); the April 1, 2011 Order (Docket No. 399) (Order Regarding Motions *in Limine*); the May 20, 2011 Order (Docket No. 438) (Order Denying Cisco's Motions for Judgment as a Matter of Law); the June 10, 2011 Order (Docket No. 464) (Order Granting Commil's Motion to Modify Protective Order); and any and all oral orders adverse to Cisco rendered before, during, and after both trials held in this matter, including but not limited to all oral orders regarding motions *in limine*, motions for judgment as a matter of law, evidentiary objections before and during trial, jury instructions, and verdict forms.

Included herewith is payment of the \$5 filing fee required by 28 U.S.C. § 1917 and the \$450 docketing fee required by Federal Circuit Rule 52(a)(3)(A), paid to this Court pursuant to Federal Rule of Appellate Procedure 3(e) and Federal Circuit Rule 52(a)(2).

Dated: October 17, 2011

Respectfully submitted,

*By /s/ Jeffrey E. Ostrow (with permission by
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**Counsel for Defendant and Counter-Claimant
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CERTIFICATE OF SERVICE

This is to certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this the 17th of October, 2011. Any other counsel of record will be served via first class U.S. mail.

/s/ Michael E. Jones

Michael E. Jones